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8 Attorneys for Defendants
9 NEC ELECTRONICS CORPORATION and
NEC ELECTRONICS AMERICA, INC.

10 [Other Counsel and Defendants Appear on Signature Page]

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14
15 IN RE STATIC RANDOM ACCESS) **Case No. M:07-CV-01819-CW**
16 MEMORY (SRAM) ANTITRUST)
17 LITIGATION) **MDL No. 1819**
18 _____)
19 This Document Relates to:) **AMENDED STIPULATION AND ORDER**
20 ALL INDIRECT PURCHASER ACTIONS) **TO EXTEND TIME FOR PLAINTIFFS TO**
21 _____) **FILE REPLY PAPERS IN SUPPORT OF**
22 _____) **THEIR MOTION FOR CLASS**
23 _____) **CERTIFICATION; FOR DEFENDANTS**
24 _____) **TO RESPOND TO SAME; AND CHANGE**
25 _____) **HEARING DATE**

26 WHEREAS, on February 17, 2009, the parties reached agreement, in order to facilitate
27 discovery with respect to 13 new party plaintiffs that plaintiffs sought to substitute into the case,
28 contingent on the Court's approval of the following dates: April 30, 2009, due date for defendants'
opposition for class certification; May 28, due date for plaintiffs' reply to defendants' opposition;
June 11, hearing date on Indirect Purchaser Plaintiffs' Motion for Class Certification;

26 WHEREAS, a stipulation codifying this agreement was approved by the Court and filed on
27 February 27, 2009;

1 WHEREAS, on April 30, 2009, Defendants filed their Opposition to Class Certification
 2 along with declaration of Michelle M. Burtis, Ph.D, an economist on the issue of, among other
 3 things, whether pass-through of any overcharge can be proven with common proof in this case.
 4 Defendants also filed declarations from third-party firms on the issue of whether pass-through
 5 actually occurs;

6 WHEREAS, Plaintiffs' Reply papers are currently due on May 28, 2009, and the hearing on
 7 class certification is scheduled for June 11, 2009;

8 WHEREAS, Plaintiffs desire an additional 35 days to prepare their Reply papers, to depose
 9 third-party witnesses, and take the deposition of Defendants' expert;

10 WHEREAS, Plaintiffs agree that Defendants may file a Surreply brief and Surrebuttal expert
 11 report(s) in response to Plaintiffs' Reply papers, and that Defendants may do so within 35 days after
 12 Plaintiffs' Reply papers are filed;

13 WHEREAS, Plaintiffs agree that Defendants may depose Plaintiffs' experts within 20 days
 14 following the filing of Plaintiffs' Reply papers;

15 WHEREAS, Defendants agree to submit their expert for deposition some time prior to
 16 June 12, 2009;

17 WHEREAS, the statements made in this stipulation, agreements made herein, or the fact of
 18 this stipulation and order may not be used with regard to any possible appeal of Judge Smith's
 19 Report and Recommendation entered on April 17, 2009, docket entry 677;

20 WHEREAS, the parties agree to class certification hearing no earlier than September 3, 2009,
 21 subject to the Court's availability;

22 WHEREAS, in return, and expressly contingent on the Court's approval of this entire
 23 stipulation as an order, Defendants are willing to stipulate hereto; and

24 NOW THEREFORE, it is hereby stipulated by the undersigned counsel on behalf of the
 25 parties identified below, and subject to the Court's approval, that:

26 A. Plaintiffs' Reply in their Motion for Class Certification shall be filed no later than
 27 July 2, 2009.

28 B. Defendants will make its expert available for deposition on a date agreed to by

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 San Francisco, CA 94111-5802

1 Plaintiffs and no later than June 12, 2009.

2 B. Defendants may file a Surreply brief and Surrebuttal expert report(s) in response to
3 Plaintiffs Reply papers, and Defendants may do so no later than August 6, 2009.

4 C. Defendants may depose Plaintiffs' experts following the filing of Plaintiffs' reply
5 papers and Plaintiffs' shall make its experts available for such depositions on dates agreed to by
6 Defendants and no later than July 22, 2009.

7 D. The hearing on Indirect-Purchaser Plaintiffs' Motion for Class Certification shall be
8 held on September 3, 2009 at 2:00 pm. in Courtroom 2, 4th Floor.

9 Dated: May 7, 2009

10 By: /s/ Patrick M. Ryan
11 PATRICK M. RYAN
12 WINSTON & STRAWN LLP

13 Dated: May 7, 2009

14 By: Liaison Counsel for Defendants
15 /s/ Francis O. Scarpulla
16 FRANCIS O. SCARPULLA
17 CRAIG C. CORBITT
18 PAMELA E. WOODSIDE
19 QIANWEI FU
20 JANE YI
21 ZELLE, HOFFMANN, VOELBEL
22 & MASON LLP

23 *Interim Lead and Liaison Counsel for*
24 *Indirect-Purchaser Class*

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1 *Additional Defendants and Counsel:*
2 **LATHAM & WATKINS LLP**

3 By /s/ Belinda Lee
4 Belinda Lee
5 Attorneys for Defendants
6 Toshiba Corporation and Toshiba
7 America Electronic Components, Inc.

8 **MAYER BROWN LLP**

9 By /s/ Robert E. Bloch
10 Robert E. Bloch (*pro hac vice*)
11 Attorneys for Defendant
12 Cypress Semiconductor, Inc.

13 **McDERMOTT WILL & EMERY LLP**

14 By /s/ Craig P. Seebald
15 Craig P. Seebald (*pro hac vice*)
16 Vincent van Panhuys (*pro hac vice*)
17 Attorneys for Defendants Renesas
18 Technology Corp., Renesas Technology
19 America, Inc., Mitsubishi Electric
20 Corporation, and Mitsubishi Electric &
21 Electronics USA, Inc.

22 I, Patrick M. Ryan, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the
23 concurrence to the filing of this document has been obtained from each signatory hereto.

24 **WHITE & CASE LLP**

25 By /s/ Matthew S. Leddicotte
26 Matthew S. Leddicotte (*pro hac vice*)
27 Attorneys for Defendant Etron Technology
28 America, Inc.

29 **O'MELVENY & MYERS LLP**

30 By /s/ Michael F. Tubach
31 Michael F. Tubach
32 Attorneys for Defendants
33 Hynix Semiconductor Inc., and
34 Hynix Semiconductor America Inc.

35 **SHEPPARD, MULLIN, RICHTER &
36 HAMPTON LLP**

37 By /s/ James L. McGinnis
38 James L. McGinnis
39 Attorneys for Defendants
40 Samsung Electronics America, Inc.,
41 Samsung Electronics Company, Ltd., and
42 Samsung Semiconductor, Inc

43 _____
44 /s/ Patrick M. Ryan
45 Patrick M. Ryan

1 **IT IS SO ORDERED. The Further Case Management Conference is also continued to**
2 **9/3/09 at 2:00 p.m.**

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4 Dated: May 14, 2009

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THE HONORABLE CLAUDIA WILKEN
United States District Judge
Northern District of California



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